

Chris Mickelson

UNITED STATES DISTRICT COURT

WESTERN

for the
DISTRICT OF

OKLAHOMA

In the Matter of the Search of)
 Michael Charles Fixico for the)
 Purpose of Taking Photographs)
 of Tattoo(s))

Case No: M-22-50-SM

APPLICATION FOR SEARCH WARRANT

I, Charles W. Thumann, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person, Michael Charles Fixico, he being presently in federal custody at the Cleveland County Detention Center, in Norman, Oklahoma, in the Western District of Oklahoma, on the exterior of his body in the stomach and abdomen region, there is now concealed:

Tattoo(s) or other body markings, which the affiant, and other employees of the Federal Bureau of Investigation ("FBI"), wish to photograph, record and preserve.

The basis for the search under Fed. R. Crim.P.41(c) is (*check one or more*):

- ☒ evidence of the crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

18 U.S.C. §§ 2241(c) & 2243(a)

Offense Description

Aggravated Sexual Abuse & Sexual Abuse of a Minor

The application is based on these facts:

See attached Affidavit of Special Agent Charles W. Thumann, Federal Bureau of Investigation, which is incorporated by reference herein.

- ☒ Continued on the attached sheet(s).
☐ Delayed notice of [No. of Days] days (*give exact ending date if more than 30 days*) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet(s).

*Charles W. Thumann**Applicant's signature*Charles W. Thumann, Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence.

Date: January 24, 2022*Suzanne Mitchell**Judge's signature*City and State: Oklahoma City, OklahomaSuzanne Mitchell, U.S. Magistrate Judge*Printed name and title*

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Charles W. Thumann, a Special Agent with the Federal Bureau of Investigation (FBI), Oklahoma City, Oklahoma, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since July 2004 and have been assigned to the Oklahoma City Division of the FBI since December 2009. Previously, I was assigned to the Miami Division. Since December 2013, I have been assigned to the Norman Resident Agency of the Oklahoma City Division.

2. As a Special Agent, I am authorized to investigate violations of the laws of the United States, including violations of 18 U.S.C. § 2241(c) and 18 U.S.C. § 2243(a), and to execute warrants issued under the authority of the United States.

3. During the past 17 years of employment as a Special Agent, I have conducted a wide variety of investigations, including many child sexual abuse investigations. I have participated in numerous investigations which involve sexual abuse, including sexual abuse of children, as the primary investigator or in a backup capacity.

4. I am submitting this affidavit in support of a search warrant authorizing the photographs of the body of Michael Charles Fixico ("**FIXICO**") as supporting evidence of a crime.

5. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me regarding this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support the issuance of a search warrant.

BACKGROUND OF THE INVESTIGATION

6. The Federal Bureau of Investigation (FBI) and the Purcell Police Department (PPD) are investigating sexual abuse allegations against **FIXICO**. On December 3, 2020, juvenile victim C.L. reported to her mother and the PPD that **FIXICO**, the mother's boyfriend, had been touching her vagina, both over and under the clothing, for several years. On December 17, 2020, C.L. was interviewed by a child forensic interviewer at the Mary Abbott House in Norman, Oklahoma, a forensic interviewing center for victims and witnesses of child abuse. During her interview, C.L. disclosed years of sexual abuse by **FIXICO** in the family home in Purcell, Oklahoma.

7. Following C.L.'s disclosure of **FIXICO**'s sexual abuse, several other victims came forward with similar allegations. One of these victims is M.K., a childhood friend of C.L.

8. On August 2, 2021, juvenile victim M.K. was interviewed by a child forensic interviewer at the Mary Abbott House, located in Norman, Oklahoma. M.K. described two (2) separate incidents when **FIXICO** sexually abused her. Both incidents took place at C.L.'s family home in Purcell, Oklahoma. During each incident, **FIXICO** digitally penetrated M.K.'s vagina. During the first incident, M.K. stated that **FIXICO** penetrated her vagina, grabbed her breast and then pulled down his pants, exposing his penis to her. M.K. stated to the child forensic interviewer she observed a tattoo on the stomach area of **FIXICO** when **FIXICO** pulled his pants down and exposed his penis to M.K. She described the tattoo as faded and possibly in the shape of a person.

9. On November 4, 2021, M.K. was interviewed by the FBI. M.K. reiterated her prior statements made to the child forensic interviewer and provided more detailed information. As M.K. spoke about the abuse and the timeline of her friendship with C.L., M.K. indicated she was unsure if she had turned 12 years of age at the time she was first sexually abused by **FIXICO**, as she had previously mentioned in the forensic interview. M.K. clarified she may have been 11 years old. M.K. explained the first time **FIXICO** penetrated

her vagina was the same month she returned to school, which was also the same month as M.K.'s 12th birthday. M.K. also told the FBI that she observed a tattoo on the lower area of **FIXICO**'s stomach when he pulled his pants down during the first assault. If M.K. was 11 years old during this assault, **FIXICO** violated 18 U.S.C. 2241(c), Aggravated Sexual Abuse, by digitally penetrating M.K.'s vagina. If she was 12, **FIXICO** violated 18 U.S.C. 2243(a), Sexual Abuse of a Minor.

10. **FIXICO** and his girlfriend, the mother of C.L., moved often within the City of Purcell, Oklahoma. Each of the various family homes where the aforementioned incidents occurred are all located in Purcell, Oklahoma. The City of Purcell is wholly located within the exterior boundaries of the Chickasaw Nation Reservation. **FIXICO** is an enrolled member of the Muscogee (Creek) Nation, a federally recognized Indian tribe, and has some degree of Indian blood. Jurisdiction with this Court is appropriate pursuant to 18 U.S.C. §§1151(a) and 1153, because the defendant is an Indian and the offense took place within Indian country.

11. On July 6, 2021, **FIXICO** was charged in a four (4) count Indictment. Additional information was obtained through the ongoing investigation, leading to additional counts against **FIXICO**. On December 1, 2021, **FIXICO** was charged in a twelve (12) count Second Superseding

Indictment, alleging various violations of 18 U.S.C. §§2241, 2242, 2243 and 2244, involving four victims.

12. On July 12, 2021, your affiant obtained **FIXICO**'s criminal history from the FBI Oklahoma City Division's Communications Center. This history also lists a general, textual description of an individual's identifying marks (such as scars or tattoos) and the location of those marks on the individual's body. **FIXICO** had several tattoos listed, including a tattoo located on his abdomen. However, no photographs of these alleged tattoos have been located in **FIXICO**'s records.

13. **FIXICO** is currently in federal custody at the Cleveland County Detention Center in Norman, Oklahoma pending trial, having been placed there following a detention hearing in federal court. The jail is located in Cleveland County in the Western District of Oklahoma.

14. Based on the foregoing, I submit that there is probable cause to believe that **FIXICO** committed a violation of 18 U.S.C. §§2241(c) (if M.K. was 11 years old) and/or 18 U.S.C. §§2243(a) (if M.K. was 12 years old.), as charged in the Second Superseding Indictment, and there is probable cause to believe that one or more tattoo(s) are located on Fixico's body particularly on his stomach and abdomen, and photos of his body are necessary to corroborate M.K.'s testimony.

15. I am requesting authorization to take photographs of **FIXICO's** body, specifically to document his stomach and abdomen area, including any areas where there are tattoos or similar marks.

CONCLUSION

16. Based on the above information, there is probable cause to believe that **FIXICO** committed a violation of 18 U.S.C. § 2241(c), Aggravated Sexual Abuse of a Minor Under 12, and/or 18 U.S.C. § 2243(a), Sexual Abuse of a Minor, and that the requested photographs of **FIXICO** constitute evidence of a crime. Therefore, I respectfully request that search be issued authorizing the seizure of **FIXICO's** person for photographs, specifically of his stomach and abdomen area.



Charles W. Thumann
Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me this 24th day of January,
2022.



SUZANNE MITCHELL
United States Magistrate Judge